

REMARKS

Claims 1-20 have been examined. With this amendment, Applicant adds claims 21-23. Claims 1-23 are all the claims pending in the application.

I. Formalities

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority and for acknowledging receipt of the certified copy of the priority document.

Applicant thanks the Examiner for indicating that the drawings filed on July 14, 2004, have been accepted.

Applicant also thanks the Examiner for initialing and returning a copy of the form PTO-1449 submitted with the Information Disclosure Statement filed on March 17, 2004.

II. Claim Rejections - 35 USC § 102

The Examiner has rejected claims 1, 2, 8, 9, 15 and 16 under 35 U.S.C. § 102(b) as being anticipated by Chen *et al.* (US 5,452,165) ["Chen"]. For at least the following reasons, Applicant respectfully traverses the rejection.

Claim 1 recites a magnetic tape drive including a head unit with the head unit configured such that the "distance between corresponding points of adjacent recording heads is the same as a distance between corresponding points of adjacent data tracks." The Examiner contends that Fig. 6 of Chen discloses this feature. Office Action at page 2.

Chen discloses a linear array of magnetic heads 42 that are arranged at an angle θ with respect to the magnetic tape (see Figs. 12 and 14). Accordingly, the distance between adjacent tracks (track pitch T) is $\sin \theta$ times the distance between adjacent recording heads (D), i.e.,

$T = D \times \sin \theta$ (col. 2, lines 46-50). Clearly, Chen does not disclose or suggest that the track pitch be equal to the head pitch. In fact, Chen discloses that the track pitch will be substantially less than the head pitch (col. 5, lines 11-14) and that acceptable ranges for θ is between 1° to 5° (col. 6, line 59). Fig. 6 clearly illustrates the angle θ . Therefore, the track pitch in Fig 6. would, at most, be $T = D \times \sin 5^\circ$, i.e., $T = 0.09 D$. Accordingly, the Examiner's contention that Fig. 6 discloses this feature is incorrect.

Therefore, Applicant submits that Chen does not disclose or suggest that the "distance between corresponding points of adjacent recording heads is the same as a distance between corresponding points of adjacent data tracks" as set forth in claim 1.

Applicant submits that claims 2, 8, 9, 15 and 16 are patentable at least by virtue of their dependency on claim 1.

In addition, claim 2 recites a magnetic tape drive including a head unit that has "a plurality of reproducing heads which perform the readout of data written by the recording heads from the magnetic tape, wherein the reproducing heads are provided in a one-to-one relationship with the corresponding recording heads." The Examiner contends that col. 6, lines 14-59, discloses this feature.

Applicant submits that Chen discloses that its magnetic head performs both a read and a write function (see Fig. 7). The Examiner's cited section merely describes the angular position of the magnetic heads with respect to the magnetic tape. There is no disclosure about the actual construction of the magnetic heads. Accordingly, Chen cannot disclose or suggest the claimed

one-to-one relationship between the reproducing heads and their corresponding recording heads since Chen discloses only one magnetic head for each data track.

III. Claim Rejections - 35 USC § 103

The Examiner has rejected claims 3, 5, 7, 10, 12, 14, 17 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of McNeil *et al.* (US 6,094,806) [“McNeil”]. For at least the following reasons, Applicant respectfully traverses the rejection.

Because McNeil does not cure the deficient teachings of Chen given above with respect to claim 1, Applicant submits that claims 3, 5, 7, 10, 12, 14, 17 and 19 are patentable at least by virtue of their dependency on claim 1.

In addition, the Examiner concedes that Chen in view of McNeil does not disclose the claimed spare reproducing heads as set forth in claim 5 but contends that the Chen discloses a combination of heads and that one skilled in the art would have been motivated to modify the system in Chen to provide the telemetry of the center of the track. However, neither Chen nor McNeil suggests the use of spare reproducing heads to provide the telemetry of the track as contended by the Examiner.

Applicant submits that assertion of technical facts must always be supported by citation to some referenced work. See MPEP at 2100-136. Here, the Examiner cites col. 6, lines 14-59 of Chen, but this section merely describes a magnetic head that can either read or write. There is no disclosure or suggestion of spare reproducing heads and McNeil does not cure this deficiency.

Without support in the prior art, the Examiner’s proffered reason for contending obviousness is merely a conclusory statement, and the MPEP is clear in that conclusory

statements do not fulfill the agency's obligation of providing evidentiary support. See MPEP at 2100-137.

In addition, Chen discloses a single magnetic head that may read or write (see Fig. 7). The variations of the magnetic head are merely in the azimuth angles of the head (Figs. 10 and 11) and the orientation of the head with respect the magnetic tape (Figs. 12 and 16). Accordingly, the Examiner's contention that Chen discloses a combination of heads, even if accurate, is not relevant to the issue of the claimed spare reproduction heads. Again, McNeil does not cure this deficiency.

Because the Examiner's rejection lacks any support in the prior art, Applicant submits that the Examiner has not made a *prima facie* case of obviousness and claim 5 is patentable for this additional reason.

The Examiner has rejected claims 4, 6, 11, 13, 18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Chen. For at least the following reasons, Applicant traverses the rejection.

Applicant submits that claims 4, 6, 11, 13, 18 and 20 are patentable at least by virtue of their dependency on claim 1.

In addition, because claim 4 recites features similar to those given above with respect to claim 5 and the Examiner's rejection of claim 4 is similar to that of claim 5, Applicant submits that the Examiner has not made a *prima facie* case of obviousness for reasons similar to those given above with respect to claim 5.

IV. New Claims

With this amendment, Applicant adds claims 21-23. Applicant submits that these claims are patentable at least by virtue of their dependency on claim 1, as well as the features set forth therein.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

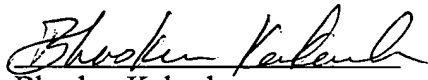
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER


Bhaskar Kakarla
Registration No. 54,627

Date: August 3, 2005